IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

S.B.CRIMINAL MISC. PETITION NO. 750/2005
(Sajid Vs. State of Rajasthan)

Date of Order : 26/07/2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. K.S.Gill for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

**BY THE COURT**:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 08.6.2005 passed by Additional Sessions Judge, Nagaur (for short 'the revisional court' hereinafter) in Criminal Revision No.13/2003, whereby the revision petition filed by the petitioner against the order dated 19.10.2002 passed by Chief Judicial Magistrate, Nagaur in FR Case No.82/99 arising out of FIR No.193/99, was dismissed.

I have heard learned counsel for the parties. Perused the orders impugned.

The petitioner complainant filed a first information

report being FIR No.193/99 Police Station, Nagaur for the offences under Sections 143 and 447 IPC against the persons named in the FIR. After thorough investigation, the police filed negative final report being FR No.82/99. A notice of FR was sent to the petitioner complainant which was served on him and he appeared through his counsel on 13.12.1999. Thereafter on various opportunities being granted to the petitioner complainant, he filed the protest petition on 23.4.2000. On various dates till 19.10.2002, neither complainant petitioner nor his counsel appeared and by order dated 19.10.2002, the trial court on careful perusal of the FR papers came to the conclusion that the grounds mentioned in the FR do not call for any interference and FR is worth acceptance and accordingly accepted the same. That order came to be challenged by the petitioner before the revisional court. The revisional court on perusal of the record also came to the conclusion that the trial court was justified in accepting the FR and dismissing the protest petition.

I have carefully gone through the FIR with the counsel for the petitioner.

In my view, both the courts below have rightly accepted the FR in absence of there being any material to proceed against the person accused in the FIR. Thus, the orders

impugned cannot be said to have resulted in serious miscarriage of justice or abuse of process of the Court warranting interference under Section 482 Cr.P.C.

The petition is therefore, dismissed.

**(H.R.PANWAR),J.**

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